

GIBSON, DUNN & CRUTCHER LLP

LAWYERS

A REGISTERED LIMITED LIABILITY PARTNERSHIP
INCLUDING PROFESSIONAL CORPORATIONS

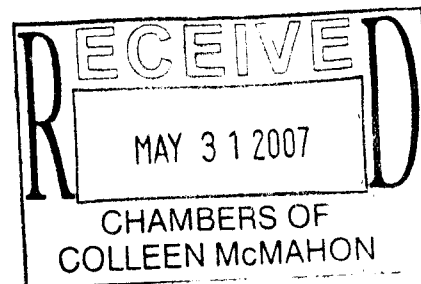
200 Park Avenue New York, New York 10166-0193

(212) 351-4000

www.gibsondunn.com

gdc106@gibsondunn.com

May 31, 2007



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED:

MEMO ENDORSED

Direct Dial

(212) 351-3917

Fax No.

(212) 351-5246

Client No.
T 94625-00001

VIA FACSIMILE

Honorable Colleen McMahon, United States District Judge
United States Courthouse
300 Quarropas Street, Room 533
White Plains, New York 10601-4150

Re: Huneke v. Braun, No. 7:05-CV-10224-CM, Schupp v. Braun, No. 7:05-CV-10225-CM, and Altman v. Braun, No. 7:05-CV-10226-CM
(coordinated for pretrial proceedings with In re Veeco Instruments Inc.
Sec. Litig., No. 7:05-MD-01695-CM-GAY)

Dear Judge McMahon:

I am counsel for Defendants in the above-referenced actions, Huneke v. Braun, No. 7:05-CV-10224-CM, Schupp v. Braun, No. 7:05-CV-10225-CM, and Altman v. Braun, No. 7:05-CV-10226-CM (consolidated as the "Derivative Action"). The parties to the Derivative Action have reviewed Your Honor's directions to the parties, endorsed upon my May 25, 2007 letter to the Court regarding the stipulation of the parties to stay the Derivative Action, in which Your Honor indicated that it did not intend to try the Derivative Action, but would instead transfer it back to the Eastern District of New York pursuant to 28 U.S.C. § 1407 and Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lemel, 523 U.S. 26 (1998).

In light of the fact that the Derivative Action will be tried in the Eastern District, all parties to the Derivative Action understand Your Honor's directions to require that the pretrial order, motions *in limine*, and other related pretrial papers be submitted to the original transferor judge in the Eastern District, in conformity with that judge's individual practices. We would

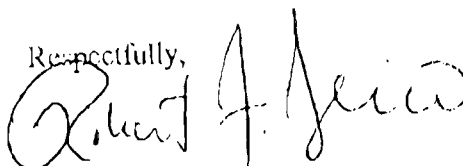
6/1/07
No, you should submit
an order of transfer to
me & sign &
send your book.
CM ml

GIBSON, DUNN & CRUTCHER LLP

Honorable Colleen McMahon
May 31, 2007
Page 2

respectfully request that Your Honor please advise us if the Court wishes us to proceed in a different manner.

Respectfully,



Robert F. Serio

RFS/dph

cc: Robert L. Harwood, Esq.
Shane Rowley, Esq.
Paul Scarlato, Esq.
Carole Broderick, Esq.